

AMENDED IN ASSEMBLY AUGUST 5, 2004

AMENDED IN ASSEMBLY JULY 2, 2004

AMENDED IN ASSEMBLY JUNE 16, 2004

AMENDED IN ASSEMBLY JUNE 7, 2004

AMENDED IN SENATE APRIL 21, 2004

SENATE BILL

No. 1913

**Introduced by Committee on Business and Professions (Senators
Figueroa (Chair), Brulte, Cedillo, Machado, Murray, and
Vincent)**

March 17, 2004

An act to amend Sections 28, 1054, 1274, 2041, 2082, 2087, 2107, 2274, 2317, 2420, 2423, 2462, 2532.6, 2570.14, 2902, 2915.7, 2936, 3750.5, 4005, 4030, ~~4059.5, 4076, 4081~~, 4101, 4114, 4115, 4200, 4207, 4409, 4980.395, 4990.4, 4996.18, 4996.20, ~~and 4996.26~~ 4996.26, and 18629 of, to amend and repeal Section 5810 of, *to amend, repeal, and add Sections 4059.5 and 4081 of*, to add Sections 1005, 2475.1, 2514, 2571, 3702.7, 3719.5, 3769.3, 4026.5, 4068, 4107, 4127.7, 4170.5, 4208, and 4209 to, *to add and repeal Section 4200.1 of*, and to repeal Section 2265 of, the Business and Professions Code, to amend Section 13401 of the Corporations Code, and to amend Sections 11159.1 and 11207 of the Health and Safety Code, relating to professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1913, as amended, Committee on Business and Professions. Professions.

(1) Existing law provides for the licensing and regulation of psychologists, clinical social workers, and marriage and family therapists. Existing law requires a person applying for licensure as a psychologist, clinical social worker, or marriage and family therapist on and after January 1, 1987, to have completed specified coursework or training in child abuse assessment and reporting from certain types of institutions.

This bill would revise the types of educational institutions from which the training may be obtained.

(2) Existing law provides for the regulation of clinical laboratories. Existing law requires a clinical laboratory to send to persons submitting cytological samples for evaluation information letters on all cases of dysplasia, and requires that, when a clinical lab determines that an abnormality of dysplasia has been identified for a patient for whom the lab earlier reported a normal finding, all previous cytologic slides on that patient be reexamined by the lab.

This bill would instead state that documentation is required for high-grade squamous intraepithelial lesions, adenocarcinoma, or other malignant neoplasm.

(3) Existing law, the Medical Practice Act, provides for the licensing and regulation of physicians and surgeons by the Division of Licensing and the Division of Medical Quality, respectively, in the Medical Board of California. Existing law provides for the regulation and licensure of podiatrists by the California Board of Podiatric Medicine, in the Medical Board of California.

Existing law makes it unprofessional conduct for a licensed physician and surgeon or podiatrist to use any certificate, letters, words, or terms either as a prefix, affix, or suffix indicating that he or she is entitled to engage in a medical practice for which he or she is not licensed.

This bill would exempt from this prohibition a physician and surgeon who has been issued a retired license.

Existing law requires the Medical Board of California to provide representation and be liable for a judgment, with certain exceptions, in a lawsuit against a person hired or retained to provide testimony to the Division of Medical Quality or the California Board of Podiatric Medicine in the evaluation of a licensee's conduct.

This bill would expand the requirement to apply to any testimony to the Medical Board of California and to include an evaluation of the conduct of an applicant for licensure.



Existing law requires an applicant for a physicians and surgeon's license to include fingerprints in his or her application. Existing law requires an applicant to meet certain educational requirements, and authorizes the Division of Licensing to allow applicants to substitute certain postgraduate training for certain undergraduate requirements.

This bill would authorize the submission of a completed Livescan form in lieu of fingerprints. The bill would revise the authorization of the Division of Licensing to allow applicants to substitute postgraduate training for undergraduate requirements.

Existing law makes the supervision, use, or employment of a physician's assistant without the approval of the Division of Licensing unprofessional conduct.

This bill would delete this provision.

The California Board of Podiatric Medicine consists of specified members, 5 of whom are appointed by the Governor, and requires the Governor to give consideration to recommendations of the board, except with regard to the public members.

This bill would remove the requirement that the Governor give consideration to the recommendations of the board in appointing members to the board.

The bill would delete obsolete references in the Medical Practice Act.

(4) Existing law, the Licensed Midwifery Practice Act of 1993, licenses and regulates licensed midwives by the Medical Board of California.

~~This bill would authorize a midwife student, with the consent of a client, to render midwifery services under the direct supervision of a licensed physician and surgeon or midwife meeting specified conditions is not precluded from engaging in the practice of midwifery as part of his or her course of study.~~

(5) Existing law provides for the licensure and regulation of occupational therapists by the California Board of Occupational Therapy. Existing law requires an initial applicant for an occupational therapy license to provide evidence of certain qualifications, including evidence of having successfully completed a board-approved education program specifically designed for applicants preparing for reentry into the field of occupational therapy.

This bill would delete the requirement that an applicant provide evidence of having successfully completed a board-approved educational program specifically designed for applicants preparing for reentry into the field of occupational therapy.

The bill would also revise an occupational therapist's scope of practice to include the application of topical medications prescribed by the patient's physician and surgeon or other specified practitioners, if specific requirements are met.

(6) Existing law provides for the licensure and regulation of psychologists by the Board of Psychology. Existing law requires *completion of specified continuing education courses for licensure renewal and requires* licensed psychologists to post a notice to consumers containing specified language regarding the Board of Psychology.

This bill would revise the language in the notice *and would allow a licensed psychologist to apply to the board for an exemption from this continuing education requirement if his or her practice does not include the direct provision of mental health services.*

(7) Existing law provides for the licensure and regulation of respiratory care practitioners by the Respiratory Care Board of California. Existing law defines the practice of respiratory therapy to include the diagnostic and therapeutic use of the administration of medical gases and mechanical or physiological ventilatory support.

This bill would provide that mechanical or physiological ventilatory support includes devices used in whole or in part to provide ventilatory or oxygenating support. The bill would also authorize the board to require successful completion of professional courses as part of continuing education prior to initial licensure, and prior to consideration of a reinstatement petition. The bill would permit the board and an affected licensee to stipulate to the issuance of a public reprimand in lieu of the filing or prosecution of a formal accusation.

(8) Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacies and pharmacists by the California State Board of Pharmacy, in the Department of Consumers Affairs. A knowing violation of the Pharmacy Law is a crime. *This bill would prohibit the board from issuing more than one site license to a single premise, except as specified.*

Existing law, *until January 1, 2005, precludes a pharmacist licensure applicant from taking the licensing examination after 4 unsuccessful attempts unless he or she completes additional pharmacy coursework.* Existing law also authorizes the board to adopt rules and regulations necessary for the protection of the public, and specifies rules and regulations that may be adopted.



This bill would, *until January 1, 2008, allow a pharmacy licensure applicant to take the licensing examination 4 times and 4 additional times upon completion of additional pharmacy coursework. The bill would add rules and regulations relating to the pharmacy practice experience necessary for licensure as a pharmacist. The bill would also and would define a license in good standing as a license issued by the board that is unrestricted by disciplinary action.*

Existing law generally requires dangerous drugs or dangerous devices to be delivered to a licensed pharmacy premises and signed for and received by the pharmacist-in-charge or, in his or her absence, another pharmacist he or she delegates.

This bill would instead require signature by and delivery to a pharmacist. The bill would authorize a pharmacy to take delivery of dangerous drugs or dangerous devices when the pharmacy is closed and no pharmacist is on duty if specified requirements are met.

~~Existing law prohibits a pharmacist from dispensing a prescription except in a container that meets specified labeling requirements, including a label that contains the name of the prescriber. Existing law authorizes a pharmacist to furnish certain medications without a prescription if specified conditions are met.~~

~~This bill would require a pharmacist who furnishes medications without a prescription, as specified, to indicate his or her name on the container. The bill would prohibit the board from issuing more than one site license to a single premises, except as specified.~~

Existing law defines an intern pharmacist as a person registered with the board who has completed education requirements determined by the board. Existing law authorizes an intern pharmacist to perform activities pertaining to the practice of pharmacy as determined by the board, and requires that an act restricted to a pharmacist may be performed by an intern pharmacist only under the supervision of a pharmacist. Existing law prohibits a pharmacist from supervising more than one intern pharmacist at a time.

This bill would require the licensure of intern pharmacists and would set forth specified requirements that an intern pharmacist must meet, and conditions under which an intern pharmacist license may be issued. The bill would also authorize an intern pharmacist to perform all functions of a pharmacist at the discretion of and under the supervision of a pharmacist whose license is in good standing with the board, and would prohibit a pharmacist from supervising more than two intern pharmacists at one time.



Existing law requires an applicant for licensure as a pharmacist who has graduated from a foreign pharmacy school to, among other things, receive a grade satisfactory to the board on an examination designed to measure equivalency.

This bill would instead require a foreign-educated applicant to be certified by the Foreign Pharmacy Graduate Examination Committee.

Existing law authorizes a pharmacist or pharmacy renewing a license to make a \$25 contribution to the board to fund the California Pharmacist Scholarship and Loan Repayment Program.

This bill would require that the contribution be at least \$25.

The bill would also authorize a prescriber to dispense a controlled substance to an emergency room patient, if certain requirements are met.

The bill would, on and after July 1, 2005, require a pharmacy to compound sterile injectable products only in specified environments.

The bill would authorize veterinarians in a veterinary teaching hospital to dispense and administer dangerous drugs and devices from a common stock. The bill would make other related changes.

Because this bill would create new requirements and prohibitions applicable to pharmacists, the knowing violation of which would be a crime, it would impose a state-mandated local program.

(9) Existing law provides for the licensing and regulation of social workers by the Board of Behavioral Sciences in the Department of Consumer Affairs. Existing law sets forth an initial registration fee as an associate clinical social worker of \$90. Existing law requires an applicant for registration or licensure trained in an educational institution outside of the United States to meet specified requirements.

This bill would change the initial registration fee to \$75. The bill would also revise the licensure requirements for foreign graduates.

(10) Existing law, the Chiropractic Act, a statute enacted by initiative, creates the State Board of Chiropractic Examiners, which licenses and regulates the practice of chiropractic.

This bill would make certain provisions of the Business and Professions Code that are applicable to licensees who are licensed by various boards in the Department of Consumer Affairs, applicable to chiropractors.

(11) Existing law regulates chiropractic corporations, and requires the name of a chiropractic corporation to contain and be restricted to certain words.



This bill would require, but not restrict the name to, the use of those words.

(12) Existing law licenses and regulates the practice of speech-language pathology and audiology by the Speech-Language Pathology and Audiology Board. Existing law requires a licensee to complete specified continuing professional development coursework.

This bill would require courses to be approved by the board for those course hours to be credited, *if the board has sufficient funding and staff resources*.

(13) Existing law regulates professional corporations, defined as a corporation that is engaged in rendering professional services pursuant to a certificate of registration. Existing law exempts corporations that render services by persons licensed by specified boards from the requirement of obtaining a certificate of registration.

This bill would also exempt a speech-language pathology and audiology corporation from this requirement.

(14) Existing law regulates interior designers and interior design organizations, and repeals these provisions on January 1, 2006.

This bill would extend the repeal date of these provisions to January 1, 2007.

(15) *This bill would incorporate additional changes in Sections 4059.5 and 4081 of the Business and Professions Code proposed by SB 1307, to be operative only if SB 1307 and this bill are both enacted and take effect, and this bill is enacted last.*

(16) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 28 of the Business and Professions Code
2 is amended to read:

3 28. The Legislature finds that there is a need to ensure that
4 professionals of the healing arts who have demonstrable contact
5 with child abuse victims, potential child abuse victims, and child

1 abusers and potential child abusers are provided with adequate and
2 appropriate training regarding the assessment and reporting of
3 child abuse which will ameliorate, reduce, and eliminate the
4 trauma of child abuse and neglect and ensure the reporting of child
5 abuse in a timely manner to prevent additional occurrences.

6 The Board of Psychology and the Board of Behavioral Sciences
7 shall establish required training in the area of child abuse
8 assessment and reporting for all persons applying for initial
9 licensure and renewal of a license as a psychologist, clinical social
10 worker, or marriage and family therapist on or after January 1,
11 1987. This training shall be required one time only for all persons
12 applying for initial licensure or for licensure renewal on or after
13 January 1, 1987.

14 All persons applying for initial licensure and renewal of a
15 license as a psychologist, clinical social worker, or marriage and
16 family therapist on or after January 1, 1987, shall, in addition to
17 all other requirements for licensure or renewal, have completed
18 coursework or training in child abuse assessment and reporting
19 which meets the requirements of this section, including detailed
20 knowledge of Section 11165 of the Penal Code. The training shall
21 meet all of the following requirements:

22 (a) Be completed after January 1, 1983.

23 (b) Be obtained from one of the following sources:

24 (1) An accredited or approved educational institution, as
25 defined in Sections 2902, 4980.40, and 4996.18, including
26 extension courses offered by those institutions.

27 (2) A continuing education provider approved by the
28 responsible board.

29 (3) A course sponsored or offered by a professional association
30 or a local, county, or state department of health or mental health
31 for continuing education and approved by the responsible board.

32 (c) Have a minimum of 7 contact hours.

33 (d) Include the study of the assessment and method of reporting
34 of sexual assault, neglect, severe neglect, general neglect, willful
35 cruelty or unjustifiable punishment, corporal punishment or
36 injury, and abuse in out-of-home care. The training shall also
37 include physical and behavioral indicators of abuse, crisis
38 counseling techniques, community resources, rights and
39 responsibilities of reporting, consequences of failure to report,
40 caring for a child's needs after a report is made, sensitivity to

1 previously abused children and adults, and implications and
2 methods of treatment for children and adults.

3 (e) An applicant shall provide the appropriate board with
4 documentation of completion of the required child abuse training.

5 The Board of Psychology and the Board of Behavioral Sciences
6 shall exempt an applicant who applies for an exemption from the
7 requirements of this section and who shows to the satisfaction of
8 the board that there would be no need for the training in his or her
9 practice because of the nature of that practice.

10 It is the intent of the Legislature that a person licensed as a
11 psychologist, clinical social worker, or marriage and family
12 therapist have minimal but appropriate training in the areas of
13 child abuse assessment and reporting. It is not intended that by
14 solely complying with the requirements of this section, a
15 practitioner is fully trained in the subject of treatment of child
16 abuse victims and abusers.

17 (f) This section shall become operative on January 1, 1997.

18 SEC. 2. Section 1005 is added to the Business and Professions
19 Code, to read:

20 1005. The provisions of Sections 12.5, 23.9, 29.5, 30, 31, 35,
21 104, 114, 115, 119, 121, 121.5, 125, 125.6, 136, 137, 140, 141,
22 143, 163.5, 461, 462, 475, 480, 484, 485, 487, 489, 490, 490.5,
23 491, 494, 495, 496, 498, 499, 510, 511, 512, 701, 702, 703, 704,
24 710, 716, 730.5, 731, and 851 are applicable to persons licensed
25 by the State Board of Chiropractic Examiners under the
26 Chiropractic Act.

27 SEC. 3. Section 1054 of the Business and Professions Code
28 is amended to read:

29 1054. Notwithstanding any other provision of law, the name
30 of a chiropractic corporation and any name or names under which
31 it may be rendering professional services, shall contain the name
32 or the last name of one or more of the present, prospective, or
33 former shareholders, and shall include the word “chiropractic”
34 and the word “corporation” or wording or abbreviations denoting
35 corporate existence.

36 SEC. 4. Section 1274 of the Business and Professions Code
37 is amended to read:

38 1274. (a) A laboratory shall document to persons submitting
39 cytologic samples for evaluation, on a quarterly basis,
40 informational letters on all cases of HSIL (high-grade squamous

1 intraepithelial lesions), adenocarcinoma, or other malignant
2 neoplasm. Documentation may consist of followup
3 correspondence, telephone calls, or requests included in the report.
4 Copies of that documentation, and any responses received to those
5 letters, shall be maintained on file by the laboratories for a period
6 of five years.

7 (b) Whenever it becomes known to a clinical laboratory that an
8 abnormality of HSIL (high-grade squamous intraepithelial
9 lesions, *adenocarcinoma, or other malignant neoplasm*) has been
10 identified for a patient for whom the clinical laboratory earlier
11 reported a normal finding, all previous available cytologic slides
12 on that patient shall be reexamined by the clinical laboratory.

13 (c) Records of the review of previous slides required by
14 subdivision (b) shall be maintained by the clinical laboratory,
15 including the name of the individual performing the earlier
16 examination.

17 (d) A clinical laboratory shall maintain records of all false
18 positive and false negative cases.

19 When any errors in the reporting of a smear evaluation are
20 discovered, a corrected report shall be immediately sent, when
21 medically applicable. Copies of corrected reports shall be
22 maintained in the laboratory records for a period of 10 years.

23 SEC. 5. Section 2041 of the Business and Professions Code
24 is amended to read:

25 2041. The term “licensee” as used in this chapter means the
26 holder of a physician’s and surgeon’s certificate or doctor of
27 podiatric medicine’s certificate, as the case may be, who is
28 engaged in the professional practice authorized by such certificate
29 under the jurisdiction of the appropriate division, board, or
30 examining committee.

31 SEC. 6. Section 2082 of the Business and Professions Code
32 is amended to read:

33 2082. Each application shall include the following:

34 (a) A diploma issued by an approved medical school. The
35 requirements of the school shall have been at the time of granting
36 the diploma in no degree less than those required under this chapter
37 or by any preceding medical practice act at the time that the
38 diploma was granted. In lieu of a diploma, the applicant may
39 submit evidence satisfactory to the Division of Licensing of
40 having possessed the same.

1 (b) An official transcript or other official evidence satisfactory
2 to the division showing each approved medical school in which a
3 resident course of professional instruction was pursued covering
4 the minimum requirements for certification as a physician and
5 surgeon, and that a diploma and degree were granted by the school.

6 (c) Such other information concerning the professional
7 instruction and preliminary education of the applicant as the
8 division may require.

9 (d) An affidavit showing to the satisfaction of the division that
10 the applicant is the person named in each diploma and transcript
11 that he or she submits, that he or she is the lawful holder thereof,
12 and that the diploma or transcript was procured in the regular
13 course of professional instruction and examination without fraud
14 or misrepresentation.

15 (e) Either fingerprint cards or a copy of a completed Livescan
16 form from the applicant in order to establish the identity of the
17 applicant and in order to determine whether the applicant has a
18 record of any criminal convictions in this state or in any other
19 jurisdiction, including foreign countries. The information
20 obtained as a result of the fingerprinting of the applicant shall be
21 used in accordance with Section 11105 of the Penal Code, and to
22 determine whether the applicant is subject to denial of licensure
23 under the provisions of Division 1.5 (commencing with Section
24 475) and Section 2221.

25 SEC. 7. Section 2087 of the Business and Professions Code
26 is amended to read:

27 2087. If any medical school is not approved by the Division
28 of Licensing or any applicant for licensure is rejected by it, then
29 the school or the applicant may commence an action in the superior
30 court as provided in Section 2019 against the division to compel
31 it to approve the school or to issue the applicant a certificate or for
32 any other appropriate relief. If the applicant is denied a certificate
33 on the grounds of unprofessional conduct, the provisions of Article
34 12 (commencing with Section 2220) shall apply. In such an action
35 the court shall proceed under Section 1094.5 of the Code of Civil
36 Procedure, except that the court may not exercise an independent
37 judgment on the evidence. The action shall be speedily determined
38 by the court and shall take precedence over all matters pending
39 therein except criminal cases, applications for injunction, or other
40 matters to which special precedence may be given by law.

1 SEC. 8. Section 2107 of the Business and Professions Code
2 is amended to read:

3 2107. (a) The Legislature intends that the Division of
4 Licensing shall have the authority to substitute postgraduate
5 education and training to remedy deficiencies in an applicant's
6 medical school education and training. The Legislature further
7 intends that applicants who substantially completed their clinical
8 training shall be granted that substitute credit if their postgraduate
9 education took place in an accredited program.

10 (b) To meet the requirements for licensure set forth in Sections
11 2089 and 2089.5, the Division of Licensing may require an
12 applicant under this article to successfully complete additional
13 education and training. In determining the content and duration of
14 the required additional education and training, the division shall
15 consider the applicant's medical education and performance on
16 standardized national examinations, and may substitute approved
17 postgraduate training in lieu of specified undergraduate
18 requirements. Postgraduate training substituted for undergraduate
19 training shall be in addition to the year of postgraduate training
20 required by Sections 2102 and 2103.

21 SEC. 9. Section 2265 of the Business and Professions Code
22 is repealed.

23 SEC. 10. Section 2274 of the Business and Professions Code
24 is amended to read:

25 2274. (a) The use by any licensee of any certificate, of any
26 letter, letters, word, words, term, or terms either as a prefix, affix,
27 or suffix indicating that he or she is entitled to engage in a medical
28 practice for which he or she is not licensed constitutes
29 unprofessional conduct.

30 (b) Nothing in this section shall be construed to prohibit a
31 physician and surgeon from using the designations specified in this
32 section if he or she has been issued a retired license under Section
33 2439.

34 SEC. 11. Section 2317 of the Business and Professions Code
35 is amended to read:

36 2317. If a person, not a regular employee of the board, is
37 hired, under contract, or retained under any other arrangement,
38 paid or unpaid, to provide expertise or nonexpert testimony to the
39 Medical Board of California or to the California Board of Podiatric
40 Medicine, including, but not limited to, the evaluation of the



conduct of an applicant or a licensee, and that person is named as a defendant in an action for defamation, malicious prosecution, or any other civil cause of action directly resulting from opinions rendered, statements made, or testimony given to, or on behalf of, the division or committee or its representatives, the board shall provide for representation required to defend the defendant in that civil action. The board shall be liable for any judgment rendered against that person, except that the board shall not be liable for any punitive damages award. If the plaintiff prevails in a claim for punitive damages, the defendant shall be liable to the board for the full costs incurred in providing representation to the defendant. The Attorney General shall be utilized in those actions as provided in Section 2020.

SEC. 12. Section 2420 of the Business and Professions Code is amended to read:

2420. The provisions of this article apply to, determine the expiration of, and govern the renewal of, each of the following certificates, licenses, registrations, and permits issued by or under the Medical Board of California: physician's and surgeon's certificates, certificates to practice podiatric medicine, physical therapy licenses and approvals, registrations of research psychoanalysts, registrations of dispensing opticians, registrations of nonresident contact lens sellers, registrations of spectacle lens dispensers, registrations of contact lens dispensers, certificates to practice midwifery, and fictitious-name permits.

SEC. 13. Section 2423 of the Business and Professions Code is amended to read:

2423. (a) Notwithstanding Section 2422:

(1) All physician and surgeon's certificates, certificates to practice podiatric medicine, registrations of spectacle lens dispensers and contact lens dispensers, and certificates to practice midwifery shall expire at 12 midnight on the last day of the birth month of the licensee during the second year of a two-year term if not renewed.

(2) Registrations of dispensing opticians will expire at midnight on the last day of the month in which the license was issued during the second year of a two-year term if not renewed.

(b) The Division of Licensing shall establish by regulation procedures for the administration of a birth date renewal program, including, but not limited to, the establishment of a system of

1 staggered license expiration dates such that a relatively equal
2 number of licenses expire monthly.

3 (c) To renew an unexpired license, the licensee shall, on or
4 before the dates on which it would otherwise expire, apply for
5 renewal on a form prescribed by the licensing authority and pay the
6 prescribed renewal fee.

7 SEC. 14. Section 2462 of the Business and Professions Code
8 is amended to read:

9 2462. The board shall consist of seven members, three of
10 whom shall be public members. Not more than one member of the
11 board shall be a full-time faculty member of a college or school of
12 podiatric medicine.

13 The Governor shall appoint the four members qualified as
14 provided in Section 2463 and one public member. The Senate
15 Rules Committee and the Speaker of the Assembly shall each
16 appoint a public member.

17 SEC. 14.2. Section 2475.1 is added to the Business and
18 Professions Code, to read:

19 2475.1. Before a resident's license may be issued, each
20 applicant shall show by evidence satisfactory to the board,
21 submitted directly to the board by the national score reporting
22 institution, that he or she has, within the past 10 years, passed Parts
23 I and II of the examination administered by the National Board of
24 Podiatric Medical Examiners of the United States or has passed a
25 written examination that is recognized by the board to be the
26 equivalent in content to the examination administered by the
27 National Board of Podiatric Medical Examiners of the United
28 States.

29 SEC. 15. Section 2514 is added to the Business and
30 Professions Code, to read:

31 2514. ~~Bona fide students, Nothing in this chapter shall be~~
32 ~~construed to prevent a bona fide student who is enrolled or~~
33 ~~participating in a midwifery education program may, as part of~~
34 ~~their program, engage midwifery education program or who is~~
35 ~~enrolled in a program of supervised clinical training from~~
36 ~~engaging in the practice of midwifery in this state, as part of his~~
37 ~~or her course of study, if both of the following conditions are met:~~

38 (a) The student is under the supervision of a licensed midwife,
39 who holds a clear and unrestricted license in this state, who is
40 present on the premises at all times client services are provided,

1 and who is practicing pursuant to Section ~~1507~~ 2507, or a
2 physician and surgeon.

3 (b) The client is informed of the student's status.

4 SEC. 16. Section 2532.6 of the Business and Professions
5 Code is amended to read:

6 2532.6. (a) The Legislature recognizes that the education and
7 experience requirements of this chapter constitute only minimal
8 requirements to assure the public of professional competence. The
9 Legislature encourages all professionals licensed and registered
10 by the board under this chapter to regularly engage in continuing
11 professional development and learning that is related and relevant
12 to the professions of speech-language pathology and audiology.

13 (b) On and after January 1, 2001, and until January 1, 2002, the
14 board shall not renew any license or registration pursuant to this
15 chapter unless the applicant certifies to the board that he or she has
16 completed, after April 12, 1999, and prior to his or her renewal
17 date in 2001, not less than the minimum number of continuing
18 professional development hours established by the board pursuant
19 to subdivision (c) for the professional practice authorized by his
20 or her license. On and after January 1, 2002, the board shall not
21 renew any license or registration pursuant to this chapter unless the
22 applicant certifies to the board that he or she has completed in the
23 preceding two years not less than the minimum number of
24 continuing professional development hours established by the
25 board pursuant to subdivision (c) for the professional practice
26 authorized by his or her license or registration.

27 (c) (1) The board shall prescribe the forms utilized for and the
28 number of hours of required continuing professional development
29 for persons licensed or registered under this chapter.

30 (2) The board shall have the right to audit the records of any
31 applicant to verify the completion of the continuing professional
32 development requirements.

33 (3) Applicants shall maintain records of completion of required
34 continuing professional development coursework for a minimum
35 of two years and shall make these records available to the board for
36 auditing purposes upon request.

37 (d) The board shall establish exceptions from the continuing
38 professional development requirements of this section for good
39 cause as defined by the board.

(e) (1) The continuing professional development services shall be obtained from accredited institutions of higher learning, organizations approved as continuing education providers by either the American Speech-Language Hearing Association or the American Academy of Audiology, the California Medical Association's Institute for Medical Quality Continuing Medical Education Program, or other entities or organizations approved as continuing professional development providers by the board, in its discretion.

(2) No hours shall be credited for any course enrolled in by a licensee that has not first been approved and certified by the board, *if the board has sufficient funding and staff resources to implement the approval and certification process.*

(3) The continuing professional development services offered by these entities may, but are not required to, utilize pretesting and posttesting or other evaluation techniques to measure and demonstrate improved professional learning and competency.

(4) An accredited institution of higher learning, an organization approved as continuing education providers by either the American Speech-Language Hearing Association or the American Academy of Audiology, and the California Medical Association's Institute for Medical Quality Continuing Education Program shall be exempt from any application or registration fees that the board may charge for continuing education providers.

(5) Unless a course offered by entities listed in paragraph (4) meets the requirements established by the board, the course may not be credited towards the continuing professional development requirements for license renewal.

(6) The licensee shall be responsible for obtaining the required course completion documents for courses offered by entities specified in paragraph (1).

(f) The board, by regulation, shall fund the administration of this section through professional development services provider and licensing fees to be deposited in the Speech-Language Pathology and Audiology Board Fund. The fees related to the administration of this section shall be sufficient to meet, but shall not exceed, the costs of administering the corresponding provisions of this section.

(g) The continuing professional development requirements adopted by the board shall comply with any guidelines for

1 mandatory continuing education established by the Department of
2 Consumer Affairs.

3 SEC. 17. Section 2570.14 of the Business and Professions
4 Code is amended to read:

5 2570.14. An initial applicant who has not been actively
6 engaged in the practice of occupational therapy within the past five
7 years shall provide to the board, in addition to the requirements for
8 licensure under Section 2570.6, any of the following:

9 (a) Evidence of continued competency as referred to in
10 subdivision (b) of Section 2570.10 for the previous two-year
11 period.

12 (b) Evidence of having completed the entry-level certification
13 examination as described in subdivision (b) of Section 2570.7
14 within the previous two-year period.

15 SEC. 18. Section 2571 is added to the Business and
16 Professions Code, to read:

17 2571. (a) An occupational therapist licensed pursuant to this
18 chapter and certified by the board in the use of physical agent
19 modalities may apply topical medications prescribed by the
20 patient's physician and surgeon, certified nurse-midwife pursuant
21 to Section 2746.51, nurse practitioner pursuant to Section 2936.1,
22 or physician assistant pursuant to Section 3502.1, if the licensee
23 complies with regulations adopted by the board pursuant to this
24 section.

25 (b) The board shall adopt regulations implementing this section
26 after meeting and conferring with the Medical Board of California
27 ~~and the California State Board of Pharmacy specifying those, the~~
28 *California State Board of Pharmacy, and the Physical Therapy*
29 *Board of California specifying those* topical medications
30 applicable to the practice of occupational therapy, and protocols
31 for their use.

32 (c) Nothing in this section shall be construed to authorize an
33 occupational therapist to prescribe medications.

34 SEC. 19. Section 2902 of the Business and Professions Code
35 is amended to read:

36 2902. As used in this chapter, unless the context clearly
37 requires otherwise and except as in this chapter expressly
38 otherwise provided the following definitions apply:

1 (a) “Licensed psychologist” means an individual to whom a
2 license has been issued pursuant to the provisions of this chapter,
3 which license is in force and has not been suspended or revoked.

4 (b) “Board” means the Board of Psychology.

5 (c) A person represents himself or herself to be a psychologist
6 when the person holds himself or herself out to the public by any
7 title or description of services incorporating the words
8 “psychology,” “psychological,” “psychologist,” “psychology
9 consultation,” “psychology consultant,” “psychometry,”
10 “psychometrics” or “psychometrist,” “psychotherapy,”
11 “psychotherapist,” “psychoanalysis,” or “psychoanalyst,” or
12 when the person holds himself or herself out to be trained,
13 experienced, or an expert in the field of psychology.

14 (d) “Accredited,” as used with reference to academic
15 institutions, means the University of California, the California
16 State University, or an institution that is accredited by a national
17 or an applicable regional accrediting agency recognized by the
18 United States Department of Education.

19 (e) “Approved,” as used with reference to academic
20 institutions, means an institution having “approval to operate”, as
21 defined in Section 94718 of the Education Code.

22 SEC. 20. Section 2915.7 of the Business and Professions
23 Code is amended to read:

24 2915.7. (a) A licensee who began graduate study prior to
25 January 1, 2004, shall complete a three-hour continuing education
26 course in aging and long-term care during his or her first renewal
27 period after the operative date of this section, and shall submit to
28 the board evidence acceptable to the board of the person’s
29 satisfactory completion of that course.

30 (b) The course should include, but is not limited to, the
31 biological, social, and psychological aspects of aging.

32 (c) Any person seeking to meet the requirements of subdivision
33 (a) of this section may submit to the board a certificate evidencing
34 completion of equivalent courses in aging and long-term care
35 taken prior to the operative date of this section, or proof of
36 equivalent teaching or practice experience. The board, in its
37 discretion, may accept that certification as meeting the
38 requirements of this section.

39 (d) The board may not renew an applicant’s license until the
40 applicant has met the requirements of this section.

1 (e) *A licensee whose practice does not include the direct*
2 *provision of mental health services may apply to the board for an*
3 *exception to the requirements of this section.*

4 (f) This section shall become operative on January 1, 2005.

5 SEC. 21. Section 2936 of the Business and Professions Code
6 is amended to read:

7 2936. The board shall adopt a program of consumer and
8 professional education in matters relevant to the ethical practice of
9 psychology. The board shall establish as its standards of ethical
10 conduct relating to the practice of psychology, the code of ethics
11 adopted and published by the American Psychological
12 Association (APA). Those standards shall be applied by the board
13 as the accepted standard of care in all licensing examination
14 development and in all board enforcement policies and
15 disciplinary case evaluations.

16 To facilitate consumers in receiving appropriate psychological
17 services, all licensees and registrants shall be required to post, in
18 a conspicuous location in their principal psychological business
19 office, a notice which reads as follows:

20
21 “NOTICE TO CONSUMERS: The Department of Consumer
22 Affair’s Board of Psychology receives and responds to
23 questions and complaints regarding the practice of psychology.
24 If you have questions or complaints, you may contact the board
25 on the Internet at www.psychboard.ca.gov, by calling
26 1-866-503-3221, or by writing to the following address:

27
28 Board of Psychology
29 1422 Howe Avenue, Suite 22
30 Sacramento, California 95825-3236”
31

32 SEC. 22. Section 3702.7 is added to the Business and
33 Professions Code, to read:

34 3702.7. Mechanical or physiological ventilatory support as
35 used in subdivision (d) of Section 3702 includes, but is not limited
36 to, any system, procedure, machine, catheter, equipment, or other
37 device used in whole or in part, to provide ventilatory or
38 oxygenating support.

39 SEC. 23. Section 3719.5 is added to the Business and
40 Professions Code, to read:

1 3719.5. The board may require successful completion of one
2 or more professional courses offered by the board, the American
3 Association for Respiratory Care, or the California Society for
4 Respiratory Care in any or all of the following circumstances:

- 5 (a) As part of continuing education.
- 6 (b) Prior to initial licensure.
- 7 (c) Prior to consideration of a reinstatement petition.

8 SEC. 24. Section 3750.5 of the Business and Professions
9 Code is amended to read:

10 3750.5. In addition to any other grounds specified in this
11 chapter, the board may deny, suspend, or revoke the license of any
12 applicant or licenseholder who has done any of the following:

13 (a) Obtained or possessed in violation of law, or except as
14 directed by a licensed physician and surgeon, dentist, or podiatrist
15 administered to himself or herself, or furnished or administered to
16 another, any controlled substances as defined in Division 10
17 (commencing with Section 11000) of the Health and Safety Code,
18 or any dangerous drug as defined in Article 2 (commencing with
19 Section 4015) of Chapter 9.

20 (b) Used any controlled substance as defined in Division 10
21 (commencing with Section 11000) of the Health and Safety Code,
22 or any dangerous drug as defined in Article 2 (commencing with
23 Section 4015) of Chapter 9.

24 (c) Applied for employment or worked in any health care
25 profession or environment while under the influence of alcohol.

26 (d) Been convicted of a criminal offense involving the
27 consumption or self-administration of any of the substances
28 described in subdivisions (a) and (b), or the possession of, or
29 falsification of a record pertaining to, the substances described in
30 subdivision (a), in which event the record of the conviction is
31 conclusive evidence thereof.

32 (e) Been committed or confined by a court of competent
33 jurisdiction for intemperate use of or addiction to the use of any of
34 the substances described in subdivisions (a), (b), and (c), in which
35 event the court order of commitment or confinement is prima facie
36 evidence of that commitment or confinement.

37 (f) Falsified, or made grossly incorrect, grossly inconsistent, or
38 unintelligible entries in any hospital, patient, or other record
39 pertaining to the substances described in subdivision (a).

1 SEC. 25. Section 3769.3 is added to the Business and
2 Professions Code, to read:

3 3769.3. (a) Notwithstanding any other provision, the board
4 may, by stipulation with the affected licensee, issue a public
5 reprimand, after it has conducted an investigation, in lieu of filing
6 or prosecuting a formal accusation.

7 (b) The stipulation shall contain the authority, grounds, and
8 causes and circumstances for taking such action and by way of
9 waiving the affected licensee's rights, inform the licensee of his or
10 her rights to have a formal accusation filed and stipulate to a
11 settlement thereafter or have the matter in the statement of issues
12 heard before an administrative law judge in accordance with the
13 Administrative Procedures Act.

14 (c) The stipulation shall be public information and shall be used
15 as evidence in any future disciplinary or penalty action taken by
16 the board.

17 SEC. 26. Section 4005 of the Business and Professions Code
18 is amended to read:

19 4005. (a) The board may adopt rules and regulations, not
20 inconsistent with the laws of this state, as may be necessary for the
21 protection of the public. Included therein shall be the right to adopt
22 rules and regulations as follows: for the proper and more effective
23 enforcement and administration of this chapter; pertaining to the
24 practice of pharmacy; relating to the sanitation of persons and
25 establishments licensed under this chapter; pertaining to
26 establishments wherein any drug or device is compounded,
27 prepared, furnished, or dispensed; providing for standards of
28 minimum equipment for establishments licensed under this
29 chapter; pertaining to the sale of drugs by or through any
30 mechanical device; and relating to pharmacy practice experience
31 necessary for licensure as a pharmacist.

32 (b) Notwithstanding any provision of this chapter to the
33 contrary, the board may adopt regulations permitting the
34 dispensing of drugs or devices in emergency situations, and
35 permitting dispensing of drugs or devices pursuant to a
36 prescription of a person licensed to prescribe in a state other than
37 California where the person, if licensed in California in the same
38 licensure classification would, under California law, be permitted
39 to prescribe drugs or devices and where the pharmacist has first

1 interviewed the patient to determine the authenticity of the
2 prescription.

3 (c) The board may, by rule or regulation, adopt, amend, or
4 repeal rules of professional conduct appropriate to the
5 establishment and maintenance of a high standard of integrity and
6 dignity in the profession. Every person who holds a license issued
7 by the board shall be governed and controlled by the rules of
8 professional conduct adopted by the board.

9 (d) The adoption, amendment, or repeal by the board of these
10 or any other board rules or regulations shall be in accordance with
11 Chapter 3.5 (commencing with Section 11340) of Part 1 of
12 Division 3 of Title 2 of the Government Code.

13 SEC. 27. Section 4026.5 is added to the Business and
14 Professions Code, to read:

15 4026.5. “Good standing” means a license issued by the board
16 that is unrestricted by disciplinary action taken pursuant to Chapter
17 5 (commencing with Section 11500) of Part 1 of Division 3 of Title
18 2 of the Government Code.

19 SEC. 28. Section 4030 of the Business and Professions Code
20 is amended to read:

21 4030. “Intern pharmacist” means a person issued a license
22 pursuant to Section 4208.

23 SEC. 29. Section 4059.5 of the Business and Professions
24 Code is amended to read:

25 4059.5. (a) Except as otherwise provided in this chapter,
26 dangerous drugs or dangerous devices may only be ordered by an
27 entity licensed by the board and shall be delivered to the licensed
28 premises and signed for and received by a pharmacist. Where a
29 licensee is permitted to operate through an exemptee, the
30 exemptee may sign for and receive the delivery.

31 (b) A dangerous drug or dangerous device transferred, sold, or
32 delivered to a person within this state shall be transferred, sold, or
33 delivered only to an entity licensed by the board, to a
34 manufacturer, or to an ultimate user or the ultimate user’s agent.

35 (c) Notwithstanding subdivisions (a) and (b), deliveries to a
36 hospital pharmacy may be made to a central receiving location
37 within the hospital. However, the dangerous drugs or dangerous
38 devices shall be delivered to the licensed pharmacy premises
39 within one working day following receipt by the hospital, and the



1 pharmacist on duty at that time shall immediately inventory the
2 drugs or devices.

3 (d) Notwithstanding any other provision of law, a dangerous
4 drug or dangerous device may be ordered by and provided to a
5 manufacturer, physician, dentist, podiatrist, optometrist,
6 veterinarian, or laboratory, or a physical therapist, certified
7 nurse-midwife, nurse practitioner, or physician assistant acting
8 within the scope of his or her license. A person or entity receiving
9 delivery of a dangerous drug or device, or a duly authorized
10 representative of the person or entity, shall sign for the receipt of
11 the dangerous drug or dangerous device.

12 (e) A dangerous drug or dangerous device shall not be
13 transferred, sold, or delivered to a person outside this state,
14 whether foreign or domestic, unless the transferor, seller, or
15 deliverer does so in compliance with the laws of this state and of
16 the United States and of the state or country to which the drugs or
17 devices are to be transferred, sold, or delivered. Compliance with
18 the laws of this state and the United States and of the state or
19 country to which the drugs or devices are to be delivered shall
20 include, but not be limited to, determining that the recipient of the
21 drugs or devices is authorized by law to receive the drugs or
22 devices.

23 (f) Notwithstanding subdivision (a), a pharmacy may take
24 delivery of dangerous drugs and dangerous devices when the
25 pharmacy is closed and no pharmacist is on duty if all of the
26 following requirements are met:

27 (1) The drugs are placed in a secure storage facility in the same
28 building as the pharmacy.

29 (2) Only the pharmacist-in-charge or a pharmacist designated
30 by the pharmacist-in-charge has access to the secure storage
31 facility after dangerous drugs or dangerous devices have been
32 delivered.

33 (3) The secure storage facility has a means of indicating
34 whether it has been entered after dangerous drugs or dangerous
35 devices have been delivered.

36 (4) The pharmacy maintains written policies and procedures
37 for the delivery of dangerous drugs and dangerous devices to a
38 secure storage facility.

39 (5) The agent delivering dangerous drugs and dangerous
40 devices pursuant to this subdivision leaves documents indicating

1 the name and amount of each dangerous drug or dangerous device
2 delivered in the secure storage facility.

3 The pharmacy shall be responsible for the dangerous drugs and
4 dangerous devices delivered to the secure storage facility. The
5 pharmacy shall also be responsible for obtaining and maintaining
6 records relating to the delivery of dangerous drugs and dangerous
7 devices to a secure storage facility.

8 *SEC. 29.5. Section 4059.5 of the Business and Professions*
9 *Code is amended to read:*

10 4059.5. (a) Except as otherwise provided in this chapter,
11 dangerous drugs or dangerous devices may only be ordered by an
12 entity licensed by the board and ~~must~~ *shall* be delivered to the
13 licensed premises and signed for and received by ~~the~~
14 ~~pharmacist in charge or, in his or her absence, another a~~
15 ~~pharmacist designated by the pharmacist in charge.~~ Where a
16 licensee is permitted to operate through an exemptee, the
17 exemptee may sign for and receive the delivery.

18 (b) A dangerous drug or dangerous device transferred, sold, or
19 delivered to ~~any~~ *a* person within this state shall be transferred, sold,
20 or delivered only to an entity licensed by the board, to a
21 manufacturer, or to an ultimate user or the ultimate user's agent.

22 (c) Notwithstanding subdivisions (a) and (b), deliveries to a
23 hospital pharmacy may be made to a central receiving location
24 within the hospital. However, the dangerous drugs or dangerous
25 devices shall be delivered to the licensed pharmacy premises
26 within one working day following receipt by the hospital, and the
27 pharmacist on duty at that time shall immediately inventory the
28 *dangerous* drugs or *dangerous* devices.

29 (d) Notwithstanding any other provision of law, a dangerous
30 drug or dangerous device may be ordered by and provided to a
31 manufacturer, physician, dentist, podiatrist, optometrist,
32 veterinarian, or laboratory, or a physical therapist, *certified*
33 *nurse-midwife, nurse practitioner, or physician assistant* acting
34 within the scope of his or her license. ~~Any~~ A person or entity
35 receiving delivery of ~~any~~ *a* dangerous ~~drugs~~ *drug* or ~~devices~~
36 *dangerous device*, or a duly authorized representative of the person
37 or entity, shall sign for the receipt of the dangerous ~~drugs~~ *drug* or
38 ~~dangerous devices~~ *device*.

39 (e) A dangerous drug or dangerous device shall not be
40 transferred, sold, or delivered to ~~any~~ *a* person outside this state,

whether foreign or domestic, unless the transferor, seller, or deliverer does so in compliance with the laws of this state and of the United States and of the state or country to which the *dangerous* drugs or *dangerous* devices are to be transferred, sold, or delivered. Compliance with the laws of this state and the United States and of the state or country to which the *dangerous* drugs or *dangerous* devices are to be delivered shall include, but not be limited to, determining that the recipient of the *dangerous* drugs or *dangerous* devices is authorized by law to receive the *dangerous* drugs or *dangerous* devices.

(f) Notwithstanding subdivision (a), a pharmacy may take delivery of dangerous drugs and dangerous devices when the pharmacy is closed and no pharmacist is on duty if all of the following requirements are met:

(1) The drugs are placed in a secure storage facility in the same building as the pharmacy.

(2) Only the pharmacist-in-charge or a pharmacist designated by the pharmacist-in-charge has access to the secure storage facility after dangerous drugs or dangerous devices have been delivered.

(3) The secure storage facility has a means of indicating whether it has been entered after dangerous drugs or dangerous devices have been delivered.

(4) The pharmacy maintains written policies and procedures for the delivery of dangerous drugs and dangerous devices to a secure storage facility.

(5) The agent delivering dangerous drugs and dangerous devices pursuant to this subdivision leaves documents indicating the name and amount of each dangerous drug or dangerous device delivered in the secure storage facility.

The pharmacy shall be responsible for the dangerous drugs and dangerous devices delivered to the secure storage facility. The pharmacy shall also be responsible for obtaining and maintaining records relating to the delivery of dangerous drugs and dangerous devices to a secure storage facility.

(g) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

SEC. 29.7. Section 4059.5 is added to the Business and Professions Code, to read:

1 4059.5. (a) *Except as otherwise provided in this chapter,*
2 *dangerous drugs or dangerous devices may only be ordered by an*
3 *entity licensed by the board and shall be delivered to the licensed*
4 *premises and signed for and received by a pharmacist. Where a*
5 *licensee is permitted to operate through a designated*
6 *representative, the designated representative may sign for and*
7 *receive the delivery.*

8 (b) *A dangerous drug or dangerous device transferred, sold, or*
9 *delivered to a person within this state shall be transferred, sold, or*
10 *delivered only to an entity licensed by the board, to a manufacturer,*
11 *or to an ultimate user or the ultimate user's agent.*

12 (c) *Notwithstanding subdivisions (a) and (b), deliveries to a*
13 *hospital pharmacy may be made to a central receiving location*
14 *within the hospital. However, the dangerous drugs or dangerous*
15 *devices shall be delivered to the licensed pharmacy premises*
16 *within one working day following receipt by the hospital, and the*
17 *pharmacist on duty at that time shall immediately inventory the*
18 *dangerous drugs or dangerous devices.*

19 (d) *Notwithstanding any other provision of law, a dangerous*
20 *drug or dangerous device may be ordered by and provided to a*
21 *manufacturer, physician, dentist, podiatrist, optometrist,*
22 *veterinarian, or laboratory, or a physical therapist, certified*
23 *nurse-midwife, nurse practitioner, or physician assistant acting*
24 *within the scope of his or her license. A person or entity receiving*
25 *delivery of a dangerous drug or dangerous device, or a duly*
26 *authorized representative of the person or entity, shall sign for the*
27 *receipt of the dangerous drug or dangerous device.*

28 (e) *A dangerous drug or dangerous device shall not be*
29 *transferred, sold, or delivered to a person outside this state,*
30 *whether foreign or domestic, unless the transferor, seller, or*
31 *deliverer does so in compliance with the laws of this state and of*
32 *the United States and of the state or country to which the*
33 *dangerous drugs or dangerous devices are to be transferred, sold,*
34 *or delivered. Compliance with the laws of this state and the United*
35 *States and of the state or country to which the dangerous drugs or*
36 *dangerous devices are to be delivered shall include, but not be*
37 *limited to, determining that the recipient of the dangerous drugs*
38 *or dangerous devices is authorized by law to receive the dangerous*
39 *drugs or dangerous devices.*

(f) Notwithstanding subdivision (a), a pharmacy may take delivery of dangerous drugs and dangerous devices when the pharmacy is closed and no pharmacist is on duty if all of the following requirements are met:

(1) The drugs are placed in a secure storage facility in the same building as the pharmacy.

(2) Only the pharmacist-in-charge or a pharmacist designated by the pharmacist-in-charge has access to the secure storage facility after dangerous drugs or dangerous devices have been delivered.

(3) The secure storage facility has a means of indicating whether it has been entered after dangerous drugs or dangerous devices have been delivered.

(4) The pharmacy maintains written policies and procedures for the delivery of dangerous drugs and dangerous devices to a secure storage facility.

(5) The agent delivering dangerous drugs and dangerous devices pursuant to this subdivision leaves documents indicating the name and amount of each dangerous drug or dangerous device delivered in the secure storage facility.

The pharmacy shall be responsible for the dangerous drugs and dangerous devices delivered to the secure storage facility. The pharmacy shall also be responsible for obtaining and maintaining records relating to the delivery of dangerous drugs and dangerous devices to a secure storage facility.

(g) This section shall become operative on January 1, 2006.

SEC. 30. Section 4068 is added to the Business and Professions Code, to read:

4068. (a) Notwithstanding any provision of this chapter, a prescriber may dispense a dangerous drug, including a controlled substance, to an emergency room patient if all of the following apply:

(1) The hospital pharmacy is closed and there is no pharmacist available in the hospital.

(2) The dangerous drug is acquired by the hospital pharmacy.

(3) The dispensing information is recorded and provided to the pharmacy when the pharmacy reopens.

(4) The hospital pharmacy retains the dispensing information and, if the drug is a schedule II or schedule III controlled

1 substance, reports the dispensing information to the Department
2 of Justice pursuant to Section 11165 of the Health and Safety Code.

3 (5) The prescriber determines that it is in the best interest of the
4 patient that a particular drug regimen be immediately commenced
5 or continued, and the prescriber reasonably believes that a
6 pharmacy located outside the hospital is not available and
7 accessible at the time of dispensing to the patient.

8 (6) The quantity of drugs dispensed to any patient pursuant to
9 this section are limited to that amount necessary to maintain
10 uninterrupted therapy during the period when pharmacy services
11 outside the hospital are not readily available or accessible, but shall
12 not exceed a 72-hour supply.

13 (7) The prescriber shall ensure that the label on the drug
14 contains all the information required by Section 4076.

15 (b) The prescriber shall be responsible for any error or
16 omission related to the drugs dispensed.

17 ~~SEC. 31. Section 4076 of the Business and Professions Code~~
18 ~~is amended to read:~~

19 ~~4076. (a) A pharmacist may not dispense any prescription~~
20 ~~except in a container that meets the requirements of state and~~
21 ~~federal law and is correctly labeled with all of the following:~~

22 ~~(1) Except where the prescriber or the certified nurse-midwife~~
23 ~~who functions pursuant to a standardized procedure or protocol~~
24 ~~described in Section 2746.51, the nurse practitioner who functions~~
25 ~~pursuant to a standardized procedure described in Section 2836.1,~~
26 ~~or protocol, or the physician assistant who functions pursuant to~~
27 ~~Section 3502.1 orders otherwise, either the manufacturer's trade~~
28 ~~name of the drug or the generic name and the name of the~~
29 ~~manufacturer. Commonly used abbreviations may be used.~~
30 ~~Preparations containing two or more active ingredients may be~~
31 ~~identified by the manufacturer's trade name or the commonly used~~
32 ~~name or the principal active ingredients.~~

33 ~~(2) The directions for the use of the drug.~~

34 ~~(3) The name of the patient or patients.~~

35 ~~(4) The name of the prescriber or, if applicable, the certified~~
36 ~~nurse-midwife who functions pursuant to a standardized~~
37 ~~procedure or protocol described in Section 2746.51, the nurse~~
38 ~~practitioner who functions pursuant to a standardized procedure~~
39 ~~described in Section 2836.1, or protocol, a pharmacist who~~

1 ~~functions under a protocol as described in Section 4052, or the~~
2 ~~physician assistant who functions pursuant to Section 3502.1.~~

3 ~~(5) The date of issue.~~

4 ~~(6) The name and address of the pharmacy, and prescription~~
5 ~~number or other means of identifying the prescription.~~

6 ~~(7) The strength of the drug or drugs dispensed.~~

7 ~~(8) The quantity of the drug or drugs dispensed.~~

8 ~~(9) The expiration date of the effectiveness of the drug~~
9 ~~dispensed.~~

10 ~~(10) The condition for which the drug was prescribed if~~
11 ~~requested by the patient and the condition is indicated on the~~
12 ~~prescription.~~

13 ~~(11) (A) Commencing January 1, 2006, the physical~~
14 ~~description of the dispensed medication, including its color, shape,~~
15 ~~and any identification code that appears on the tablets or capsules,~~
16 ~~except as follows:~~

17 ~~(i) Prescriptions dispensed by a veterinarian.~~

18 ~~(ii) An exemption from the requirements of this paragraph~~
19 ~~shall be granted to a new drug for the first 120 days that the drug~~
20 ~~is on the market and for the 90 days during which the national~~
21 ~~reference file has no description on file.~~

22 ~~(iii) Dispensed medications for which no physical description~~
23 ~~exists in any commercially available database.~~

24 ~~(B) This paragraph applies to outpatient pharmacies only.~~

25 ~~(C) The information required by this paragraph may be printed~~
26 ~~on an auxiliary label that is affixed to the prescription container.~~

27 ~~(D) This paragraph shall not become operative if the board,~~
28 ~~prior to January 1, 2006, adopts regulations that mandate the same~~
29 ~~labeling requirements set forth in this paragraph.~~

30 ~~(b) If a pharmacist dispenses a prescribed drug by means of a~~
31 ~~unit dose medication system, as defined by administrative~~
32 ~~regulation, for a patient in a skilled nursing, intermediate care, or~~
33 ~~other health care facility, the requirements of this section will be~~
34 ~~satisfied if the unit dose medication system contains the~~
35 ~~aforementioned information or the information is otherwise~~
36 ~~readily available at the time of drug administration.~~

37 ~~(c) If a pharmacist dispenses a dangerous drug or device in a~~
38 ~~facility licensed pursuant to Section 1250 of the Health and Safety~~
39 ~~Code, it is not necessary to include on individual unit dose~~
40 ~~containers for a specific patient, the name of the certified~~

~~nurse-midwife who functions pursuant to a standardized procedure or protocol described in Section 2746.51, the nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1, or protocol, a pharmacist who functions under a protocol as described in Section 4052, or the physician assistant who functions pursuant to Section 3502.1.~~

~~(d) If a pharmacist dispenses a prescription drug for use in a facility licensed pursuant to Section 1250 of the Health and Safety Code, it is not necessary to include the information required in paragraph (11) of subdivision (a) when the prescription drug is administered to a patient by a person licensed under the Medical Practice Act (Chapter 5 (commencing with Section 2000)), the Nursing Practice Act (Chapter 6 (commencing with Section 2700)), or the Vocational Nursing Practice Act (Chapter 6.5 (commencing with Section 2840)), who is acting within his or her scope of practice.~~

~~SEC. 32.~~

SEC. 31. Section 4081 of the Business and Professions Code is amended to read:

4081. (a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or exemptee-in-charge, for maintaining the records and inventory described in this section.

(c) The pharmacist-in-charge or exemptee-in-charge shall not be criminally responsible for acts of the owner, officer, partner, or employee that violate this section and of which the

pharmacist-in-charge or exemptee-in-charge had no knowledge, or in which he or she did not knowingly participate.

~~SEC. 33.~~

SEC. 31.5. Section 4081 of the Business and Professions Code is amended to read:

4081. (a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or ~~exemptee~~ *exemptee-in-charge*, for maintaining the records and inventory described in this section.

(c) The pharmacist-in-charge or ~~exemptee~~ *exemptee-in-charge* shall not be criminally responsible for acts of the owner, officer, partner, or employee that violate this section and of which the pharmacist-in-charge or ~~exemptee~~ *exemptee-in-charge* had no knowledge, or in which he or she did not knowingly participate.

(d) This section shall ~~become operative on July 1, 2001~~ *remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.*

SEC. 31.7. Section 4081 is added to the Business and Professions Code, to read:

4081. (a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug

1 retailer, physician, dentist, podiatrist, veterinarian, laboratory,
2 clinic, hospital, institution, or establishment holding a currently
3 valid and unrevoked certificate, license, permit, registration, or
4 exemption under Division 2 (commencing with Section 1200) of
5 the Health and Safety Code or under Part 4 (commencing with
6 Section 16000) of Division 9 of the Welfare and Institutions Code
7 who maintains a stock of dangerous drugs or dangerous devices.

8 (b) The owner, officer, and partner of a pharmacy, wholesaler,
9 or veterinary food-animal drug retailer shall be jointly responsible,
10 with the pharmacist-in-charge or representative-in-charge, for
11 maintaining the records and inventory described in this section.

12 (c) The pharmacist-in-charge or representative-in-charge shall
13 not be criminally responsible for acts of the owner, officer, partner,
14 or employee that violate this section and of which the
15 pharmacist-in-charge or representative-in-charge had no
16 knowledge, or in which he or she did not knowingly participate.

17 (d) This section shall become operative on January 1, 2006.

18 *SEC. 32.* Section 4101 of the Business and Professions Code
19 is amended to read:

20 4101. (a) A pharmacist who takes charge of, or acts as
21 pharmacist-in-charge of a pharmacy or other entity licensed by the
22 board, who terminates his or her employment at the pharmacy or
23 other entity, shall notify the board within 30 days of the
24 termination of employment.

25 (b) An exemptee-in-charge of a wholesaler or veterinary food
26 drug-animal retailer, who terminates his or her employment at that
27 entity shall notify the board within 30 days of the termination of
28 employment.

29 ~~SEC. 34.~~

30 *SEC. 33.* Section 4107 is added to the Business and
31 Professions Code, to read:

32 4107. The board may not issue more than one site license to
33 a single premises except to issue a veterinary food-animal drug
34 retailer license to a wholesaler or to issue a license to compound
35 sterile injectable drugs to a pharmacy. For the purposes of this
36 subdivision, “premises” means a location with its own address
37 and an independent means of ingress and egress.

38 ~~SEC. 35.~~

39 *SEC. 34.* Section 4114 of the Business and Professions Code
40 is amended to read:

1 4114. (a) An intern pharmacist may perform all functions of
2 a pharmacist at the discretion of and under the supervision of a
3 pharmacist whose license is in good standing with the board.

4 (b) A pharmacist may not supervise more than two intern
5 pharmacists at any one time.

6 ~~SEC. 36.~~

7 *SEC. 35.* Section 4115 of the Business and Professions Code
8 is amended to read:

9 4115. (a) Notwithstanding any other provision of law, a
10 pharmacy technician may perform packaging, manipulative,
11 repetitive, or other nondiscretionary tasks, only while assisting,
12 and while under the direct supervision and control of, a
13 pharmacist.

14 (b) This section does not authorize the performance of any
15 tasks specified in subdivision (a) by a pharmacy technician
16 without a pharmacist on duty, nor does this section authorize the
17 use of a pharmacy technician to perform tasks specified in
18 subdivision (a) except under the direct supervision and control of
19 a pharmacist.

20 (c) This section does not authorize a pharmacy technician to
21 perform any act requiring the exercise of professional judgment by
22 a pharmacist.

23 (d) The board shall adopt regulations to specify tasks pursuant
24 to subdivision (a) that a pharmacy technician may perform under
25 the direct supervision and control of a pharmacist. Any pharmacy
26 that employs a pharmacy technician to perform tasks specified in
27 subdivision (a) shall do so in conformity with the regulations
28 adopted by the board pursuant to this subdivision.

29 (e) (1) No person shall act as a pharmacy technician without
30 first being registered with the board as a pharmacy technician as
31 set forth in Section 4202.

32 (2) The registration requirements in paragraph (1) and Section
33 4202 shall not apply during the first year of employment for a
34 person employed or utilized as a pharmacy technician to assist in
35 the filling of prescriptions for an inmate of a correctional facility
36 of the Department of the Youth Authority or the Department of
37 Corrections, or for a person receiving treatment in a facility
38 operated by the State Department of Mental Health, the State
39 Department of Developmental Services, or the Department of
40 Veterans Affairs.

1 (f) (1) The performance of duties by a pharmacy technician
2 shall be under the direct supervision and control of a pharmacist.
3 The pharmacist on duty shall be directly responsible for the
4 conduct of a pharmacy technician. A pharmacy technician may
5 perform the duties, as specified in subdivision (a), only under the
6 immediate, personal supervision and control of a pharmacist. Any
7 pharmacist responsible for a pharmacy technician shall be on the
8 premises at all times, and the pharmacy technician shall be within
9 the pharmacist's view. A pharmacist shall indicate verification of
10 the prescription by initialing the prescription label before the
11 medication is provided to the patient, or by engaging in other
12 verification procedures that are specifically approved by board
13 regulations.

14 (2) This subdivision shall not apply to a person employed or
15 utilized as a pharmacy technician to assist in the filling of
16 prescriptions for an inpatient of a hospital or for an inmate of a
17 correctional facility. Notwithstanding the exemption in this
18 subdivision, the requirements of subdivisions (a) and (b) shall
19 apply to a person employed or utilized as a pharmacy technician
20 to assist in the filling of prescriptions for an inpatient of a hospital
21 or for an inmate of a correctional facility.

22 (g) (1) A pharmacy with only one pharmacist shall have no
23 more than one pharmacy technician performing the tasks specified
24 in subdivision (a). The ratio of pharmacy technicians performing
25 the tasks specified in subdivision (a) to any additional pharmacist
26 shall not exceed 2:1, except that this ratio shall not apply to
27 personnel performing clerical functions pursuant to Section 4116
28 or 4117. This ratio is applicable to all practice settings, except for
29 an inpatient of a licensed health facility, a patient of a licensed
30 home health agency, as specified in paragraph (2), an inmate of a
31 correctional facility of the Department of the Youth Authority or
32 the Department of Corrections, and for a person receiving
33 treatment in a facility operated by the State Department of Mental
34 Health, the State Department of Developmental Services, or the
35 Department of Veterans Affairs.

36 (2) The board may adopt regulations establishing the ratio of
37 pharmacy technicians performing the tasks specified in
38 subdivision (a) to pharmacists applicable to the filling of
39 prescriptions of an inpatient of a licensed health facility and for a
40 patient of a licensed home health agency. Any ratio established by

the board pursuant to this subdivision shall allow, at a minimum, at least one pharmacy technician for a single pharmacist in a pharmacy and two pharmacy technicians for each additional pharmacist, except that this ratio shall not apply to personnel performing clerical functions pursuant to Section 4116 or 4117.

(3) A pharmacist scheduled to supervise a second pharmacy technician may refuse to supervise a second pharmacy technician if the pharmacist determines, in the exercise of his or her professional judgment, that permitting the second pharmacy technician to be on duty would interfere with the effective performance of the pharmacist's responsibilities under this chapter. A pharmacist assigned to supervise a second pharmacy technician shall notify the pharmacist in charge in writing of his or her determination, specifying the circumstances of concern with respect to the pharmacy or the pharmacy technician that have led to the determination, within a reasonable period, but not to exceed 24 hours, after the posting of the relevant schedule. No entity employing a pharmacist may discharge, discipline, or otherwise discriminate against any pharmacist in the terms and conditions of employment for exercising or attempting to exercise in good faith the right established pursuant to this paragraph.

(h) Notwithstanding subdivisions (b) and (f), the board shall by regulation establish conditions to permit the temporary absence of a pharmacist for breaks and lunch periods pursuant to Section 512 of the Labor Code and the orders of the Industrial Welfare Commission without closing the pharmacy. During these temporary absences, a pharmacy technician may, at the discretion of the pharmacist, remain in the pharmacy but may only perform nondiscretionary tasks. The pharmacist shall be responsible for a pharmacy technician and shall review any task performed by a pharmacy technician during the pharmacist's temporary absence. Nothing in this subdivision shall be construed to authorize a pharmacist to supervise pharmacy technicians in greater ratios than those described in subdivision (g).

~~SEC. 37.~~

SEC. 36. Section 4127.7 is added to the Business and Professions Code, to read:

4127.7. On and after July 1, 2005, a pharmacy shall compound sterile injectable products from one or more nonsterile ingredients in one of the following environments:

1 (a) An ISO class 5 laminar airflow hood within an ISO class 7
2 cleanroom. The cleanroom must have a positive air pressure
3 differential relative to adjacent areas.

4 (b) An ISO class 5 cleanroom.

5 (c) A barrier isolator that provides an ISO class 5 environment
6 for compounding.

7 ~~SEC. 38.~~

8 *SEC. 37.* Section 4170.5 is added to the Business and
9 Professions Code, to read:

10 4170.5. (a) Veterinarians in a veterinary teaching hospital
11 operated by an accredited veterinary medical school may dispense
12 and administer dangerous drugs and devices and controlled
13 substances from a common stock.

14 (b) The veterinary teaching hospital shall designate a
15 pharmacist to be responsible for ordering the drugs for the
16 common stock and the designated pharmacist-in-charge shall be
17 professionally responsible to insure that inventories, security
18 procedures, training, protocol development, recordkeeping,
19 packaging, labeling, and dispensing occur in a manner that is
20 consistent with the promotion and protection of the health and
21 safety of the public.

22 (c) The veterinary teaching hospital's pharmacist-in-charge
23 shall develop policies, procedures, and guidelines that recognize
24 the unique relationship between the institution's pharmacists and
25 veterinarians in the control, management, dispensation, and
26 administration of drugs.

27 (d) The board may inspect a veterinary teaching hospital
28 dispensing or administering drugs pursuant to this section.

29 ~~SEC. 39.~~

30 *SEC. 38.* Section 4200 of the Business and Professions Code
31 is amended to read:

32 4200. (a) The board may license as a pharmacist any
33 applicant who meets all the following requirements:

34 (1) Is at least 18 years of age.

35 (2) (A) Has graduated from a college of pharmacy or
36 department of pharmacy of a university recognized by the board;
37 or

38 (B) If the applicant graduated from a foreign pharmacy school,
39 the foreign-educated applicant has been certified by the Foreign
40 Pharmacy Graduate Examination Committee.

(3) Has completed at least 150 semester units of collegiate study in the United States, or the equivalent thereof in a foreign country. No less than 90 of those semester units shall have been completed while in resident attendance at a school or college of pharmacy.

(4) Has earned at least a baccalaureate degree in a course of study devoted to the practice of pharmacy.

(5) Has completed 1,500 hours of pharmacy practice experience or the equivalent in accordance with Section 4209.

(6) Has passed a written and practical examination given by the board prior to December 31, 2003, or has passed the North American Pharmacist Licensure Examination and the Multi-State Pharmacy Jurisprudence Examination for California on or after January 1, 2004.

(b) Proof of the qualifications of an applicant for licensure as a pharmacist, shall be made to the satisfaction of the board and shall be substantiated by affidavits or other evidence as may be required by the board.

(c) Each person, upon application for licensure as a pharmacist under this chapter, shall pay to the executive officer of the board, the fees provided by this chapter. The fees shall be compensation to the board for investigation or examination of the applicant.

~~SEC. 40.~~

SEC. 39. Section 4200.1 is added to the Business and Professions Code, to read:

4200.1. (a) Notwithstanding Section 135, an applicant may take the North American Pharmacist Licensure Examination four times, and may take the Multi-State Pharmacy Jurisprudence Examination for California four times.

(b) Notwithstanding Section 135, an applicant may take the North American Pharmacist Licensure Examination and the Multi-State Pharmacy Jurisprudence Examination for California four additional times each if he or she successfully completes, at minimum, 16 additional semester units of education in pharmacy as approved by the board.

(c) The applicant shall comply with the requirements of Section 4200 for each application for reexamination made pursuant to subdivision (b).

(d) An applicant may use the same coursework to satisfy the additional educational requirement for each examination under

1 subdivision (b), if the coursework was completed within 12 months
2 of the date of his or her application for reexamination.

3 (e) For purposes of this section, the board shall treat each
4 failing score on the pharmacist licensure examination
5 administered by the board prior to January 1, 2004, as a failing
6 score on both the North American Pharmacist Licensure
7 Examination and the Multi-State Pharmacy Jurisprudence
8 Examination for California.

9 (f) From January 1, 2004, to July 1, 2006, inclusive, the board
10 shall collect data on the applicants who are admitted to, and take,
11 the licensure examinations required by Section 4200. The board
12 shall report to the Joint Committee on Boards, Commissions, and
13 Consumer Protection before September 1, 2006, regarding the
14 impact on those applicants of the examination limitations imposed
15 by this section. The report shall include, but not be limited to, the
16 following information:

17 (1) The number of applicants taking the examination and the
18 number who fail the examination for the fourth time.

19 (2) The number of applicants who, after failing the
20 examination for the fourth time, complete a pharmacy studies
21 program in California or another state to satisfy the requirements
22 of this section and who apply to take the licensure examination
23 required by Section 4200.

24 (3) To the extent possible, the school from which the applicant
25 graduated and the school's location and the pass/fail rates on the
26 examination for each school.

27 (g) This section shall remain in effect only until January 1,
28 2008, and as of that date is repealed, unless a later enacted statute,
29 that is enacted before January 1, 2008, deletes or extends that date.

30 SEC. 40. Section 4207 of the Business and Professions Code
31 is amended to read:

32 4207. (a) Upon receipt of an application for a license and the
33 applicable fee, the board shall make a thorough investigation to
34 determine whether the applicant is qualified for the license being
35 sought. The board shall also determine whether this article has
36 been complied with, and shall investigate all matters directly
37 related to the issuance of the license that may affect the public
38 welfare.

39 (b) The board shall not investigate matters connected with the
40 operation of a premises other than those matters solely related to

1 the furnishing of dangerous drugs or dangerous devices that might
2 adversely affect the public welfare.

3 (c) The board shall deny an application for a license if the
4 applicant does not qualify for the license being sought.

5 (d) Notwithstanding any other provision of law, the board may
6 request any information it deems necessary to complete the
7 application investigation required by this section, and a request for
8 information that the board deems necessary in carrying out this
9 section in any application or related form devised by the board
10 shall not be required to be adopted by regulation pursuant to the
11 Administrative Procedures Act (Chapter 3.5 (commencing with
12 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
13 Code).

14 SEC. 41. Section 4208 is added to the Business and
15 Professions Code, to read:

16 4208. (a) At the discretion of the board, an intern pharmacist
17 license may be issued for a period of:

18 (1) One to six years to a person who is currently enrolled in a
19 school of pharmacy recognized by the board.

20 (2) Two years to a person who is a graduate of a school of
21 pharmacy recognized by the board and who has applied to become
22 licensed as a pharmacist in California.

23 (3) Two years to a foreign graduate who has met educational
24 requirements described in paragraphs (1) and (2) of subdivision (a)
25 of Section 4200.

26 (4) One year to a person who has failed the pharmacist
27 licensure examination four times and has reenrolled in a school of
28 pharmacy to satisfy the requirements of Section 4200.1.

29 (b) The board may issue an intern pharmacist license to an
30 individual for the period of time specified in a decision of
31 reinstatement adopted by the board.

32 (c) An intern pharmacist shall notify the board within 30 days
33 of any change of address.

34 (d) An intern pharmacist whose license has been issued
35 pursuant to paragraph (1) or paragraph (4) of subdivision (a) shall
36 return his or her license, by registered mail, within 30 days of no
37 longer being enrolled in a school of pharmacy. The intern
38 pharmacist license will be canceled by the board. Notwithstanding
39 subdivision (c), an intern pharmacist license may be reinstated if
40 the student reenrolls in a school of pharmacy recognized by the

1 board to fulfill the education requirements of paragraphs (1) to (4),
2 inclusive, of subdivision (a) of Section 4200.

3 SEC. 42. Section 4209 is added to the Business and
4 Professions Code, to read:

5 4209. (a) (1) An intern pharmacist shall complete 1,500
6 hours of pharmacy practice before applying for the pharmacist
7 licensure examination.

8 (2) This pharmacy practice shall comply with the Standards of
9 Curriculum established by the Accreditation Council for
10 Pharmacy Education or with regulations adopted by the board.

11 (b) An intern pharmacist shall submit proof of his or her
12 experience on board-approved affidavits, or another form
13 specified by the board, which shall be certified under penalty of
14 perjury by a pharmacist under whose supervision such experience
15 was obtained or by the pharmacist-in-charge at the pharmacy
16 while the pharmacist intern obtained the experience.

17 (c) An applicant for the examination who has been licensed as
18 a pharmacist in any state for at least one year, as certified by the
19 licensing agency of that state, may submit this certification to
20 satisfy the required 1,500 hours of intern experience. Certification
21 of an applicant's licensure in another state shall be submitted in
22 writing and signed, under oath, by a duly authorized official of the
23 state in which the license is held.

24 SEC. 43. Section 4409 of the Business and Professions Code
25 is amended to read:

26 4409. At the time a pharmacy license is renewed pursuant to
27 subdivision (a) of Section 4110 or a pharmacist license is renewed
28 pursuant to Section 4401, the pharmacy or pharmacist may make
29 a contribution of at least twenty-five dollars (\$25), to be submitted
30 to the board, for the sole purpose of funding the California
31 Pharmacist Scholarship and Loan Repayment Program
32 established pursuant to Article 2 (commencing with Section
33 128198) of Chapter 3 of Part 3 of Division 107 of the Health and
34 Safety Code. The contribution submitted pursuant to this section
35 shall be paid into the State Treasury and credited to the California
36 Pharmacist Scholarship and Loan Repayment Program Fund
37 established pursuant to Section 128198.5 of the Health and Safety
38 Code.

39 SEC. 44. Section 4980.395 of the Business and Professions
40 Code is amended to read:



1 4980.395. (a) A licensee who began graduate study prior to
2 January 1, 2004, shall complete a three-hour continuing education
3 course in aging and long-term care during his or her first renewal
4 period after the operative date of this section and shall submit to
5 the board evidence, acceptable to the board, of the person's
6 satisfactory completion of the course.

7 (b) The course shall include, but is not limited to, the
8 biological, social, and psychological aspects of aging.

9 (c) A person seeking to meet the requirements of subdivision
10 (a) of this section may submit to the board a certificate evidencing
11 completion of equivalent courses in aging and long-term care
12 taken prior to the operative date of this section, or proof of
13 equivalent teaching or practice experience. The board, in its
14 discretion, may accept that certification as meeting the
15 requirements of this section.

16 (d) The board may not renew an applicant's license until the
17 applicant has met the requirements of this section.

18 (e) Continuing education courses taken pursuant to this section
19 shall be applied to the 36 hours of approved continuing education
20 required in Section 4980.54.

21 (f) This section shall become operative on January 1, 2005.

22 SEC. 45. Section 4990.4 of the Business and Professions
23 Code is amended to read:

24 4990.4. "Accredited school of social work," within the
25 meaning of this chapter, is a school that is accredited by the
26 Commission on Accreditation of the Council on Social Work
27 Education.

28 SEC. 46. Section 4996.18 of the Business and Professions
29 Code is amended to read:

30 4996.18. (a) A person who wishes to be credited with
31 experience toward licensure requirements shall register with the
32 board as an associate clinical social worker prior to obtaining that
33 experience. The application shall be made on a form prescribed by
34 the board and shall be accompanied by a fee of seventy-five dollars
35 (\$75). An applicant for registration shall (1) possess a master's
36 degree from an accredited school or department of social work,
37 and (2) not have committed any crimes or acts constituting
38 grounds for denial of licensure under Section 480. On and after
39 January 1, 1993, an applicant who possesses a master's degree
40 from a school or department of social work that is a candidate for

1 accreditation by the Commission on Accreditation of the Council
2 on Social Work Education shall be eligible, and shall be required,
3 to register as an associate clinical social worker in order to gain
4 experience toward licensure if the applicant has not committed any
5 crimes or acts that constitute grounds for denial of licensure under
6 Section 480. That applicant shall not, however, be eligible for
7 examination until the school or department of social work has
8 received accreditation by the Commission on Accreditation of the
9 Council on Social Work Education.

10 (b) Registration as an associate clinical social worker shall
11 expire one year from the last day of the month during which it was
12 issued. A registration may be renewed annually after initial
13 registration by filing on or before the date on which the registration
14 expires, an application for renewal, paying a renewal fee of
15 seventy-five dollars (\$75), and notifying the board whether he or
16 she has been convicted, as defined in Section 490, of a
17 misdemeanor or felony, and whether any disciplinary action has
18 been taken by any regulatory or licensing board in this or any other
19 state, subsequent to the issuance of the initial registration or
20 registrant's last renewal. Each person who registers or has
21 registered as an associate clinical social worker, may retain that
22 status for a total of six years.

23 (c) Notwithstanding the limitations on the length of an
24 associate registration in subdivision (b), an associate may apply
25 for, and the board shall grant, one-year extensions beyond the
26 six-year period when no grounds exist for denial, suspension, or
27 revocation of the registration pursuant to Section 480. An
28 associate shall be eligible to receive a maximum of three one-year
29 extensions. An associate who practices pursuant to an extension
30 shall not practice independently and shall comply with all
31 requirements of this chapter governing experience, including
32 supervision, even if the associate has completed the hours of
33 experience required for licensure. Each extension shall commence
34 on the date when the last associate renewal or extension expires.
35 An application for extension shall be made on a form prescribed
36 by the board and shall be accompanied by a renewal fee of fifty
37 dollars (\$50). An associate who is granted this extension may work
38 in all work settings authorized pursuant to this chapter.



1 (d) A registrant shall not provide clinical social work services
2 to the public for a fee, monetary or otherwise, except as an
3 employee.

4 (e) A registrant shall inform each client or patient prior to
5 performing any professional services that he or she is unlicensed
6 and is under the supervision of a licensed professional.

7 (f) Any experience obtained under the supervision of a spouse
8 or relative by blood or marriage shall not be credited toward the
9 required hours of supervised experience. Any experience obtained
10 under the supervision of a supervisor with whom the applicant has
11 a personal relationship that undermines the authority or
12 effectiveness of the supervision shall not be credited toward the
13 required hours of supervised experience.

14 (g) An applicant who possesses a master's degree from an
15 accredited school or department of social work shall be able to
16 apply experience the applicant obtained during the time the
17 accredited school or department was in candidacy status by the
18 Commission on Accreditation of the Council on Social Work
19 Education toward the licensure requirements, if the experience
20 meets the requirements of Section 4996.20, 4996.21, or 4996.23.
21 This subdivision shall apply retroactively to persons who possess
22 a master's degree from an accredited school or department of
23 social work and who obtained experience during the time the
24 accredited school or department was in candidacy status by the
25 Commission on Accreditation of the Council on Social Work
26 Education.

27 (h) An applicant for registration or licensure trained in an
28 educational institution outside the United States shall demonstrate
29 to the satisfaction of the board that he or she possesses a master's
30 of social work degree that is equivalent to a master's degree issued
31 from a school or department of social work that is accredited by
32 the Commission on Accreditation of the Council on Social Work
33 Education. These applicants shall provide the board with a
34 comprehensive evaluation of the degree and shall provide any
35 other documentation the board deems necessary. The board has the
36 authority to make the final determination as to whether a degree
37 meets all requirements, including, but not limited to, course
38 requirements regardless of evaluation or accreditation.

39 SEC. 47. Section 4996.20 of the Business and Professions
40 Code is amended to read:

1 4996.20. The experience required by subdivision (c) of
2 Section 4996.2 shall meet the following criteria:

3 (a) An applicant shall have at least 3,200 hours of post-master's
4 experience, supervised by a licensed clinical social worker, in
5 providing clinical social work services consisting of psychosocial
6 diagnosis; assessment; treatment, including psychotherapy and
7 counseling; client-centered advocacy; consultation; and
8 evaluation as permitted by Section 4996.9. For persons applying
9 for licensure on or after January 1, 1992, this experience shall have
10 been gained in not less than two nor more than six years and shall
11 have been gained within the six years immediately preceding the
12 date on which the application for licensure was filed.

13 (b) Notwithstanding the requirements of subdivision (a) that
14 3,200 hours of experience shall be gained under the supervision of
15 a licensed clinical social worker, up to 1,000 hours of the required
16 experience may be gained under the supervision of a licensed
17 mental health professional acceptable to the board.

18 For purposes of this section, "supervision" means
19 responsibility for and control of the quality of social work services
20 being provided. Consultation shall not be considered to be
21 supervision. Supervision shall include at least one hour of direct
22 supervision for each week of experience claimed. Not less than
23 one-half of the hours of required supervision shall be individual
24 supervision. The remaining hours may be group supervision.
25 "Individual supervision" means one supervisor meets with one
26 supervisee at a time. "Group supervision" means a supervisor
27 meets with a group of no more than eight supervisees at a time.

28 (c) For purposes of this section, a "private practice setting" is
29 any setting other than a governmental entity, a school, college or
30 university, a nonprofit and charitable corporation or a licensed
31 health facility. Employment in a private practice setting shall not
32 commence until the applicant has been registered as an associate
33 clinical social worker. A registrant employed in a private practice
34 setting shall not:

35 (1) Pay his or her employer for supervision, and shall receive
36 fair remuneration from his or her employer.

37 (2) Receive any remuneration from patients or clients and shall
38 only be paid by his or her employer.

39 (3) Perform services at any place except where the registrant's
40 employer regularly conducts business.

1 (4) Have any proprietary interest in the employer's business.

2 (d) A person employed in a setting other than a private practice
3 setting may obtain supervision from a person not employed by the
4 registrant's employer if that person has signed a written contract
5 with the employer to take supervisory responsibility for the
6 registrant's social work services.

7 (e) This section shall apply only to persons who apply for
8 registration on or before December 31, 1998.

9 SEC. 48. Section 4996.26 of the Business and Professions
10 Code is amended to read:

11 4996.26. (a) A licensee who began graduate study prior to
12 January 1, 2004, shall complete a three-hour continuing education
13 course in aging and long-term care during his or her first renewal
14 period after the operative date of this section, and shall submit to
15 the board evidence acceptable to the board of the person's
16 satisfactory completion of the course.

17 (b) The course shall include, but is not limited to, the
18 biological, social, and psychological aspects of aging.

19 (c) Any person seeking to meet the requirements of subdivision
20 (a) of this section may submit to the board a certificate evidencing
21 completion of equivalent courses in aging and long-term care
22 taken prior to the operative date of this section, or proof of
23 equivalent teaching or practice experience. The board, in its
24 discretion, may accept that certification as meeting the
25 requirements of this section.

26 (d) The board may not renew an applicant's license until the
27 applicant has met the requirements of this section.

28 (e) Continuing education courses taken pursuant to this section
29 shall be applied to the 36 hours of approved continuing education
30 required in Section 4996.22.

31 (f) This section shall become operative on January 1, 2005.

32 SEC. 49. Section 5810 of the Business and Professions Code
33 is amended to read:

34 5810. (a) This chapter shall be subject to the review required
35 by Division 1.2 (commencing with Section 473).

36 (b) This chapter shall remain in effect only until January 1,
37 2007, and as of that date is repealed, unless a later enacted statute,
38 that is enacted before January 1, 2007, deletes or extends that date.

39 SEC. 50. *Section 18629 of the Business and Professions Code*
40 *is amended to read:*

1 18629. “School, college, or university” means a secondary
2 school, the University of California, a California State University,
3 public community college, or any other private, postsecondary
4 educational institution meeting the requirements of Section ~~94702~~
5 ~~94739~~, or Article ~~4~~ 8 (commencing with Section ~~94760~~ 94900) or
6 Article ~~5~~ 9 (commencing with Section ~~94780~~ 94915) of Chapter
7 7 of Part 59 of the Education Code.

8 ~~This section shall become operative on January 1, 1997.~~

9 SEC. 51. Section 13401 of the Corporations Code is amended
10 to read:

11 13401. As used in this part:

12 (a) “Professional services” means any type of professional
13 services that may be lawfully rendered only pursuant to a license,
14 certification, or registration authorized by the Business and
15 Professions Code, the Chiropractic Act, or the Osteopathic Act.

16 (b) “Professional corporation” means a corporation organized
17 under the General Corporation Law or pursuant to subdivision (b)
18 of Section 13406 that is engaged in rendering professional services
19 in a single profession, except as otherwise authorized in Section
20 13401.5, pursuant to a certificate of registration issued by the
21 governmental agency regulating the profession as herein provided
22 and that in its practice or business designates itself as a
23 professional or other corporation as may be required by statute.
24 However, any professional corporation or foreign professional
25 corporation rendering professional services by persons duly
26 licensed by the Medical Board of California or any examining
27 committee under the jurisdiction of the board, the Osteopathic
28 Medical Board of California, the Dental Board of California, the
29 California State Board of Pharmacy, the Veterinary Medical
30 Board, the California Architects Board, the Court Reporters Board
31 of California, the Board of Behavioral Sciences, the
32 Speech-Language Pathology and Audiology Board, or the Board
33 of Registered Nursing shall not be required to obtain a certificate
34 of registration in order to render those professional services.

35 (c) “Foreign professional corporation” means a corporation
36 organized under the laws of a state of the United States other than
37 this state that is engaged in a profession of a type for which there
38 is authorization in the Business and Professions Code for the
39 performance of professional services by a foreign professional
40 corporation.

(d) “Licensed person” means any natural person who is duly licensed under the provisions of the Business and Professions Code, the Chiropractic Act, or the Osteopathic Act to render the same professional services as are or will be rendered by the professional corporation or foreign professional corporation of which he or she is or intends to become, an officer, director, shareholder, or employee.

(e) “Disqualified person” means a licensed person who for any reason becomes legally disqualified (temporarily or permanently) to render the professional services that the particular professional corporation or foreign professional corporation of which he or she is an officer, director, shareholder, or employee is or was rendering.

~~SEC. 51.~~

SEC. 52. Section 11159.1 of the Health and Safety Code is amended to read:

11159.1. An order for controlled substances furnished to a patient in a clinic which has a permit issued pursuant to Article 13 (commencing with Section 4180) of Chapter 9 of Division 2 of the Business and Professions Code, except an order for a Schedule II controlled substance, shall be exempt from the prescription requirements of this article and shall be in writing on the patient’s record, signed by the prescriber, dated, and shall state the name and quantity of the controlled substance ordered and the quantity actually furnished. The record of the order shall be maintained as a clinic record for a minimum of seven years. This section shall apply only to a clinic that has obtained a permit under the provisions of Article 13 (commencing with Section 4180) of Chapter 9 of Division 2 of the Business and Professions Code.

Clinics that furnish controlled substances shall be required to keep a separate record of the furnishing of those drugs which shall be available for review and inspection by all properly authorized personnel.

~~SEC. 52.~~

SEC. 53. Section 11207 of the Health and Safety Code is amended to read:

11207. (a) No person other than a pharmacist as defined in Section 4036 of the Business and Professions Code or an intern pharmacist, as defined in Section 4030 of the Business and Professions Code, who is under the personal supervision of a

1 pharmacist, shall compound, prepare, fill or dispense a
2 prescription for a controlled substance.

3 (b) Notwithstanding subdivision (a), a pharmacy technician
4 may perform those tasks permitted by Section 4115 of the Business
5 and Professions Code when assisting a pharmacist dispensing a
6 prescription for a controlled substance.

7 ~~SEC. 53.~~

8 *SEC. 54. Sections 29.5 and 29.7 of this bill incorporate*
9 *amendments to Section 4059.5 of the Business and Professions*
10 *Code proposed by both this bill and SB 1307. Sections 29.5 and*
11 *29.7 shall only become operative if (1) both bills are enacted and*
12 *become effective on or before January 1, 2005, (2) each bill*
13 *amends Section 4059.5 of the Business and Professions Code, and*
14 *(3) this bill is enacted after SB 1307, in which case Section 29 of*
15 *this bill shall not become operative.*

16 *SEC. 55. Sections 31.5 and 31.7 of this bill incorporate*
17 *amendments to Section 4081 of the Business and Professions Code*
18 *proposed by both this bill and SB 1307. Sections 31.5 and 31.7*
19 *shall only become operative if (1) both bills are enacted and*
20 *become effective on or before January 1, 2005, (2) each bill*
21 *amends Section 4081 of the Business and Professions Code, and*
22 *(3) this bill is enacted after SB 1307, in which case Section 31 of*
23 *this bill shall not become operative.*

24 *SEC. 56. No reimbursement is required by this act pursuant*
25 *to Section 6 of Article XIII B of the California Constitution*
26 *because the only costs that may be incurred by a local agency or*
27 *school district will be incurred because this act creates a new crime*
28 *or infraction, eliminates a crime or infraction, or changes the*
29 *penalty for a crime or infraction, within the meaning of Section*
30 *17556 of the Government Code, or changes the definition of a*
31 *crime within the meaning of Section 6 of Article XIII B of the*
32 *California Constitution.*